

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 16, 2010

DIVISION ONE

B210956 People (Not for Publication)
v.
Espinoza

The judgment is affirmed. The abstract of judgment shall be corrected in conformance with this opinion. The trial court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

Johnson, J.

We concur: Rothschild, Acting P.J.
 Chaney, J.

B216721 Los Angeles County, D.C.F.S. (Not for Publication)
v.
L.P.

The jurisdictional order of the juvenile court as to Father is reversed. The appeal from the dispositional order is dismissed as moot.

Johnson, J.

We concur: Mallano, P.J.
 Rothschild, J.

April 16, 2010 (Continued)

DIVISION ONE (continued)

B213864 Hollander et al. (Not for Publication)
 v.
 XL London Market Ltd, et al.

The order of the superior court is affirmed. Respondents are to recover their costs on appeal.

Johnson, J.

We concur: Mallano, P.J.
 Rothschild, J.

B210909 People (Certified for Publication)
 v.
 King

The judgment is affirmed.

Johnson, J.

We concur: Rothschild, Acting P.J.
 Chaney, J.

DIVISION THREE

B211827 People (Not for Publication)
 v.
 Boyd

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

April 16, 2010 (Continued)

DIVISION THREE (continued)

B211325 People (Not for Publication)
v.
Perez, et al.

The judgments are affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B210452 Gold, et al. (Not for Publication)
v.
Melt, Inc., et al.

The judgment is affirmed. Costs on appeal are awarded to defendants.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B215600 Haver (Not for Publication)
v.
BNSF Railway Company

The judgment is affirmed. Costs on appeal are awarded to BNSF.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

April 16, 2010 (Continued)

DIVISION FOUR (continued)

B217171 Los Angeles County, D.C.F.S. (Not for Publication)
v.
John C.

The order of June 11, 2009 is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

B214256 People (Not for Publication)
v.
J.E.

The matter is remanded to the juvenile court to allow it to declare on the record whether the criminal threat in count 1 was a misdemeanor or felony. The wardship order is affirmed in all other respects.

Weisman, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B209204 Ronald C. Stock (Not for Publication)
v.
Herbert Hafif, et al.

The judgment in favor of plaintiff, Ronald D. Stock, is affirmed. Plaintiff is to recover his costs on appeal jointly and severally from defendants, Herbert Hafif and the Law Offices of Herbert Hafif.

Weisman, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B209890 Charles Patrick Woosley (Not for Publication)
v.
State of California, et al.

The order awarding attorney fees is reversed and the matter is remanded to the trial court to conduct a new hearing and determine the appropriate amount of fees to award under Code of Civil Procedure section 1021.5. In determining what is a reasonable fee award, the trial court is directed to: (1) consider and make any appropriate deductions from the lodestar figure of all counsel for the lack of success of the litigation for the period between 1978 and 1992 when the common fund was reduced from \$800 million to \$2 million, as well as any subsequent unsuccessful efforts by the class following and consistent with the Supreme Court's decision and instructions on remand in *Woosley v. State of California* (1992) 3 Cal.4th 758; (2) calculate and reduce from the lodestar figure any hours attributed to Charles Patrick Woosley as inefficient, unnecessary, or duplicative of class counsel's efforts; (3) reconsider whether Mr. Woosley is entitled to any multiplier or whether a negative multiplier is warranted due to his duplicative work; (4) reconsider the multiplier for class counsel and Mr. Woosley after due consideration is given to the lack of success of the litigation in light of the Supreme Court's 1992 decision; (5) reconsider the amount of costs awarded in light of this opinion; (6) deny interest on the attorney fee award for the period of time prior to entry of the fee award; and (7) maintain the 2616.5 deduction of hours from Mr. Woosley's fee application which were found by the trial court to be duplicative and for his own personal benefit. All parties shall bear their own costs on appeal.

Weisman, J. (Assigned)

We concur: Armstrong, Acting P.J.
Kriegler, J.

April 16, 2010 (Continued)

DIVISION FIVE (continued)

B216765 People (Not for Publication)
v.
Michael Grady

The one-year enhancement imposed pursuant to section 667.5, subdivision (b) is ordered stricken. Appellant's sentence is recalculated to be 11 years. The judgment is affirmed in all other respects.

Armstrong, Acting P.J.

We concur: Kriegler, J.
Weisman, J. (Assigned)

B217814	Lyman Gardens Apartments, LLC, et al. v. Ralph Navarro	(Not for Publication)
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The matter is remanded to the trial court to calculate the amount of prejudgment interest due Navarro as set forth in this opinion. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Armstrong, Acting P.J.

We concur: Kriegler, J.
Weisman, J. (Assigned)

DIVISION EIGHT

B214427 People (Not for Publication)
v.
Theodore Millender, Jr.,

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Grimes, J.

DIVISION EIGHT (continued)

B215730 People (Not for Publication)
v.
Curtis Tony Clark

The judgment is conditionally reversed; the trial court shall direct the custodian of records of the Los Angeles Police Department to produce the personnel file of Detectives Cornejo and Javier for an in camera review. If the in camera hearing reveals no discoverable information in the detectives files which would lead to admissible evidence helpful to the defense, the trial court shall reinstate the original judgment and sentence. If the in camera hearing reveals discoverable information which could lead to admissible evidence helpful to defense of the charge, the trial court shall grant the requested discovery, allow defendant an opportunity to demonstrate prejudice, and order a new trial if prejudice is demonstrated. In all other respects, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Lichtman, J. (Assigned)

B211760 Harry Barseghian et al., as Trustees, etc., (Not for Publication)
v.
Tremco Incorporated

The judgment is affirmed. Respondent shall recover costs on appeal.

Rubin, Acting P.J.

We concur: Flier, J.
Lichtman, J. (Assigned)

DIVISION EIGHT (continued)

B214423 Bay Village Apartments, et al. (Not for Publication)
v.
Tishman Speyer Properties, L.P., et al.

The order is affirmed. Respondents are to recover costs on appeal.

Bigelow, P.J.

We concur: Rubin, J.
Lichtman, J. (Assigned)

B211657 Viviana Padilla, et al. (Not for Publication)
v.
Thee El Rodeo, Inc., et al.

The trial court's judgments are affirmed. Respondents are to recover their costs on appeal.

Bigelow, P.J.

We concur: Rubin, J.
Lichtman, J. (Assigned)

B213947 Heshmat Tayebi, et al. (Not for Publication)
v.
Enas Rofael, Individually and as Trustee, etc.

The judgment is affirmed. Respondent is awarded costs on appeal.

Bigelow, P.J.

We concur: Flier, J.
Lichtman, J. (Assigned)

DIVISION EIGHT (continued)

B214531 People (Not for Publication)
v.
Ernie Rodriguez

The judgment is modified to reflect that the section 667.9 subdivision (a), one-year enhancement is stricken. The clerk of the superior court is directed to correct the abstract of judgment to reflect this modification and forward the corrected abstract to the Department of Corrections. As modified, the judgment is affirmed.

Bigelow, P.J.

We concur: Rubin, J.
Flier, J.

B211581 Manuel Babyan (Not for Publication)
v.
Aurafin, LLC, et al.

The judgment is affirmed.

Bigelow, P.J.

We concur: Rubin, J.
Lichtman, J. (Assigned)

B215101 Confidential Report, LLC (Not for Publication)
v.
Paragon Film Group, LLC, et al.

The judgment is affirmed. Paragon is to recover costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Lichtman, J. (Assigned)